

Message Text

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ACTION DLOS-06

INFO OCT-01 EA-07 ISO-00 FEA-01 ACDA-07 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00
DOTE-00 EB-08 EPA-01 ERDA-05 FMC-01 TRSE-00 H-01
INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05
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FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC 6058

INFO AMEMBASSY JAKARTA

AMEMBASSY SINGAPORE

AMEMBASSY TOKYO

USMISSION UN NEW YORK

C O N F I D E N T I A L KUALA LUMPUR 0653

C O R R E C T E D C O P Y, CORRECTION OF PARA NUMBERING BY DRAFTEE

NORORN

E.O. 11652: GDS

TAGS: PLOS, JP, UK, MY

SUBJECT: LOS: UK-GOM CONSULTATIONS, JAN 24-25

SUMMARY. BRITISH LOS TEAM HELD CONSULTATIONS WITH
MALAYSIANS JANUARY 24-25. ACCORDING TO UK HIGH COMMISSION
SOURCE, MEETINGS WERE VERY SUCCESSFUL AND MALAYSIAN LAW
MINISTER TAN SRI DADIR WELCOMED THE BRITISH OFFER TO ASSIST
IN OBTAINING IMCO APPROVAL FOR A TRAFFIC SEPARATION SCHEME
INCLUDING UNDERKEEL CLEARANCE LIMITS. END SUMMARY.

1. UK HIGH COMMISSION HEAD OF CHANCERY TIMOTHY GEE BRIEFED
POLOFF JAN 27 ON CONSULTATIONS BETWEEN BRITISH LOS TEAM
HEADED BY AMB LOGAN AND A MALAYSIAN GROUP LED BY LAW MINISTER
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TAN SRI KADIR YUSOF. ACCORDING TO GEE THE BRITISH EXPRESSED
SYMPATHY FOR THE CONCERNS LEADING TO PROPOSED AMENDMENTS TO
RSNT PART TWO, CHAPTER 11, BUT SAID THAT THE WAY
THE MALAYSIANS WERE GOING ABOUT ENSURING INTERNATIONAL
ACCEPTANCE OF A TRAFFIC SEPARATION SCHEME (TSS) FOR
THE MALACCA STRAIT WAS RISKY AND WOULD TAKE A LONG
TIME. A MUCH BETTER WAY WOULD BE TO OBTAIN IMCO

APPROVAL FOR A TSS, AND THE BRITISH OFFERED TO LOBBY IN IMCO FOR ACCEPTANCE OF A TSS WITH UNDERKEEL LIMITS (UNK), NOTING THAT UNDER THE COLLISION REGULATIONS CONVENTION WHICH ENTERS INTO FORCE THIS COMING JULY, UKC INCLUDED IN THE TSS WOULD BE MANDATORY. FURTHERMORE, THE BRITISH OFFERED TO MAKE CLEAR IN THE UNLOS CONFERENCE, IF NECESSARY, THAT UKC AS PART OF A TSS WAS COVERED BY ARTICLES 39 AND 40 OF PART TWO OF THE RSNT. THEY ALSO EMPHASIZED THAT IT WAS MUCH BETTER TO MAKE THE TSS PUNATIVE RATHER THAN PREVENTIVE.

2. THE MALAYSIA SIDE, ACCORDING TO GEE, ACCEPTED MANY, BUT NOT ALL, OF THE BRITISH ARGUMENTS, ADMITTING THAT THEY HAD NOT INITIALLY REALIZED THE FULL EFFECT OF SOME OF THEIR PROPOSALS. THEY ARE PREPARED TO AMEND AND/OR WITHDRAW SOME OF THEM BUT WILL STICK TO OTHERS, AS AMBASSADOR LOGAN WILL ESPLAN WHEN HE REACHES WASHINGTON. AMONG THE AMENDMENTS THAT THE GOM SEEMED PARTICULARLY KEEN ON WAS THE SUBSTITUTION OF "PREVAILING" FOR "GENERALLY ACCEPTED" IN ART. 38 B. AND C. (WHICH, THE MALAYSIANS SAY, IS ALSO SUPPORTED BY CANADA). FOR THEIR PART, THE BRITISH ACCEPTED THE PROPOSED PROHIBITION ON SHIPS IN TRANSIT OF CARRYING OUT RESEARCH OR SURVEY ACTIVITIES (ART. 38 2.A.III) BUT FELT IT SHOULD BE IN ART. 127.

3. WITH REGARD TO SEABEDS, THE MALAYSIANS MADE THE POINT THAT THEY REALIZED MINING COULD NOT BE STOPPED IF A REGIME IS NOT APPROVED INTERNATIONALLY AND
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THAT THE PROBLEM WAS FINDING A WAY TO DISTRIBUTE THE PROCEEDS TO LDC'S THAT WILL BE ACCEPTED. THEY SAID THEY WOULD DO THEIR BEST IN GROUP OF 77 MEETINGS TO ACHIEVE AN ACCEPTABLE COMPROMISE.

4. ACCORDING TO GEE, KADIR WENT OUT OF HIS WAY TO SAY THAT BECAUSE OF BRITISH AVOIDANCE OF CONFRONTATION AND SYMPATHETIC APPROACH TO MALAYSIAN CONCERNS THESE WERE THE MOST PRODUCTIVE LOS CONSULTATIONS THAT HE HAD ENGAGED IN. AT THE DINNER ATTENDED BY OUR AMBASSADOR, LOGAN AND KADIR SEEMED TO HAVE HIT IT OFF VERY WELL AND THE "AG," AS HE IS GENERALLY KNOWN, WAS IN AN EXPANSIVE MOOD AS A RESULT. HE ASKED LOGAN TO MAKE THE SAME POINTS ON IMCO TO THE OTHER TWO MALACCA STRAIT STATES, SINGAPORE AND INDONESIA, AND SAID THE GOM WOULD ALSO FOLLOW UP WITH THEM.

5. GEE ALSO SAID THAT THE JAPANESE DESIRE TO POSTPONE THE EFFECTIVE DATE OF A TSS FOR TEN YEARS WAS MENTIONED.

THE MALAYSIANS SAID THAT JAPANESE INDUSTRY REPS RECENTLY
IN KUALA LUMPUR TO BE BRIEFED ON THE TSS HEDGED ON
THIS ISSUE AND THE STRAITS STATES HAD THUS FAR BEEN
UNABLE TO GET THE GOJ TO DISCUSS IT. THE GOM, THEY
SAID, COULD ACCEPT A DELAY OF PERHAPS FIVE YEARS BUT
THEY DIDN'T THINK THAT INDONESIA WOULD BE SO
AGREEABLE.
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